



ACY-32421-C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark Pausch, Laura Price

Application No. : 08/816,011 Examiner: Pak, M.

Filing Date : March 11, 1997 Art Group: 1646

For : POTASSIUM CHANNELS, NUCLEOTIDE SEQUENCES  
ENCODING THEM, AND METHODS OF USING SAME

October 15, 1999

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

#15  
Graham 10/25/99

RESPONSE TO OFFICE ACTION

In response to the Office Action mailed on August 18, 1999, Applicants provide the following remarks.

Failure to Comply with the Sequence Rules

The Office Action states that the application is not fully in compliance with the sequence rules, because the sequences in claims 4 and 7-13 and Figure 10 lack appropriate sequence identifiers. However, 37 C.F.R. 1.821 (a) states that "Sequences with fewer than four specifically defined nucleotides or amino acids are specifically excluded from this section. 'Specifically defined' means those amino acids other than 'Xaa'...." Applicants note that the sequences cited by the Examiner contain fewer than four specifically defined amino acids (see, e.g., "ZXXZ<sub>1</sub>Z<sub>2</sub>Z<sub>4</sub>GXG" in claim 4, which contains only two specifically defined amino acids, namely two glycine residues), and thus are specifically excluded from the sequence rules.

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## CONCLUSION

In view of the foregoing election, early examination and allowance of the present application are respectfully solicited.

Respectfully submitted,

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Attorney Docket No.: ACY-32421-C2 (GI 5361) *ACY-32421-C2*

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ENCODING THEM, AND METHODS OF USING SAME

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**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC, 20231, on this 15<sup>th</sup> day of October, 1999.

*Alison M. Higginbottom*  
Alison M. Higginbottom

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith are:

1. Response to Office Action (2 pages)
2. Extension of Time and duplicate (1 page each)
3. Transmittal Form and duplicate (1 page each)
4. Return receipt postcard



## TRANSMITTAL FORM

Application Serial Number	08/816,011
Filing Date	March 11, 1997
First Named Inventor	Pausch
Group Art Number	1646
Examiner Name	Pak, M.
Attorney Docket No.	ACY-32421-C2 (GI 5361)

### ENCLOSURE (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Response to Missing Parts / Incomplete Application	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Check Attached	<input type="checkbox"/> Copy of Notice of File Missing Parts of Application (PTO-1553)	<input type="checkbox"/> Appeal Communication to Group ( <i>Appeal Notice, Brief, Reply Brief</i> )
<input type="checkbox"/> Copy of Fee Transmittal Form	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Amendment/Response	<input type="checkbox"/> Petition Routing Slip (PTO/SB/60) and Accompanying Petition	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> After Final	<input type="checkbox"/> To Convert to a Provisional Application	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Affidavits /declaration(s)	<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets <u>  </u> ]	<input type="checkbox"/> Terminal Disclaimer	OCT 22 PM 12:07
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	RECEIVED CENTER 1500/2900
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Form PTO-1449	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Copies of IDS Citations (A1, B1-B2, C1-C11)	<input type="checkbox"/> After Allowance Communication to Group	
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CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
<p>Direct all correspondence to:</p> <p>American Home Products Corporation Patent Law Department, 2B One Campus Drive Parsippany, New Jersey 07054</p>	<p>Respectfully submitted,</p> <p>Date: <u>Barbara A. Gyure</u> Reg. No.: 34,614 Tel. No.: (617) 665-8653 Fax No.: (617) 876-5851</p> <p>Barbara A. Gyure Attorney for Applicants</p>